IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 25607 of 1995

Between:

1 Alapati Krishna Murthy, S/o Satyavaraprasada Rao
r/o Kasipadu, Ganapavaram Mandal West Godavari Dist.,
2 Alapati Seetharatnam, W/o Krishna Murthy
r/o Kasipadu, Ganapavaram Mandal West Godavari Dist.,
3 Eedimilli Apparao, S/o Suryanarayana
r/o Kasipadu, Ganapavaram Mandal West Godavari Dist.,
4 Eedimilli Suryanarayana, S/o Appanna
r/o Kasipadu, Ganapavaram Mandal West Godavari Dist.,
5 Komarthi Nnarsamma W/o chandraiah,
r/o Kasipadu, Ganapavaram Mandal West Godavari Dist.,

..... PETITIONERS

AND

1 The Land Reforms Tribunal,
Kakinada E.G.District.
2 The Revenue Divisional Officer
Eluru, West Godavari Dist
3 The Mandal Revenue Officer, Ganapavaram,
West Godavari District
4 The District Collector,
East Godavari Kakinada
5 Dandu Venkata Rama Raju S/o Ramajogiraju,
R/o Rayalam, Bhimavaram Mandal,
West Godavari Dist.,

6 Rudraraju Parvatamma, W/o Bangarraju,
R/o Plot No.12, Kirlampudi Layout, China Waltair,
Visakhapatnam

7 Rudraraju Bangarraju, S/o Bangarrju
R/o Plot No.12, Kirlampudi Layout, China Waltair,
Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more in the nature of Writ of Certiorari calling for the entire records relating to the Order dt: 28-10-1995 made in I.A.No.25/95 in L.C.C.No.783/KTP/75 on the file of the Land Reforms Tribunal, Kakinada and quash the same being violative of the principles of natural Justice, arbitrary, illegal and void and direct the 1st Respondent i.e, Land Reforms Tribunal, Kakinada to dispose of the said I.A. after giving notice to the petitioners or their counsel and after giving an opportunity of being heard of them.

Counsel for the Petitioners: MR.T.DURGA PRASAD RAO

Counsel for the Respondents No 1 to 4.: GP FOR REVENUE

Counsel for the Respondent No.5.: MR. A. ANANTHA REDDY

Counsel for the Respondent Nos. 6 & 7: MR G. KRISHNA MURTY.

The Court made the following :

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO.25607 OF 1995

ORDER:

The present writ petition is filed seeking a direction to quash the order made in I.A.No.25 of 1995 in L.C.C.No.783/KTP/75 on 28.10.1995 by the learned Land Reforms Tribunal, Kakinada.

It is the case of the petitioners that the lands sold to them by respondents 5 and 6 were proposed to be surrendered by the 7th respondent, who was the vendor of the respondents 5 and 6, under the provisions of the A.P. Land Reforms Act and that the objection petitions filed by them under section 17 of the A.P. Land Reforms Act were rejected by the 1st respondent-Tribunal without affording any opportunity of

being heard of them.

Heard the learned Counsel.

The learned counsel appearing on behalf of the respondents 1 to 4 submitted that an appeal against the order impugned, lies before the Appellate Tribunal and as such, this Court has no jurisdiction to entertain the petition invoking the provisions under Article 226 of the Constitution of India.

No material is adduced before this Court that the petitioners have availed any such remedy of appeal. While entertaining this writ petition, on 14.11.1995, this Court granted interim stay of dispossession of the petitioners from the lands in their possession pursuant to the order impugned.

Under the above circumstances, without expressing any opinion on the merits of the case, liberty is given to the petitioners to file an appeal before the appropriate forum, within a period of four weeks from the date of receipt of a copy of this order and if such appeal is filed, the same shall be disposed of within a period of three months from the date of filing, in accordance with law. In the circumstances, I feel it appropriate to direct that the interim stay of dispossession of the petitioners from the lands in question, granted by this Court 14.11.1995, shall continue till the date of filing the appeal.

Subject to the above observations, this W.P. is disposed of. No order as to costs.

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Justice T. Meena Kumari

Dated: 17.03.2005

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Copy to:

1. The Presiding Officer, Land Reforms Tribunal, Kakinada, East Godavari District.

2. The Revenue Divisional Officer, Eluru, West Godavari District.

3. The Mandal Revenue Officer, Ganapavaram, West Godavari District.

4. The District Collector, East Godavari, Kakinada.

5. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.).

6. Two C.D. copies.